



AGENDA
RIO DELL PLANNING COMMISSION
REGULAR MEETING
TUESDAY, SEPTEMBER 25, 2018 – 6:30 P.M.
CITY HALL COUNCIL CHAMBERS
675 WILDWOOD AVENUE, RIO DELL

WELCOME.....*By your presence in the City Council Chambers, you are participating in the process of representative government. Copies of this agenda, staff reports and other material available to the Commission are available at the City Clerk's office in City Hall, 675 Wildwood Avenue. Your City Government welcomes your interest and hopes you will attend and participate in Rio Dell Planning Commission meetings often.*

A. CALL TO ORDER

B. ROLL CALL

C. PLEDGE OF ALLEGIANCE

D. CEREMONIAL MATTERS

E. CONSENT CALENDAR

- 1) 2018/0925.01 - Approve Minutes of the August 28, 2018 Regular Meeting **(ACTION)**

1

F. PUBLIC PRESENTATIONS

This time is for persons who wish to address the Commission on any matter not on this agenda and over which the Commission has jurisdiction. As such, a dialogue with the Commission or staff is not intended. Items requiring Commission action not listed on this agenda may be placed on the next regular agenda for consideration if the Commission directs, unless a finding is made by at least 2/3rds of the Commission that the item came up after the agenda was posted and is of an urgency nature requiring immediate action. Please limit comments to a maximum of 3 minutes.

G. SCHEDULED MATTERS/PUBLIC HEARINGS/STUDY SESSIONS

- 1) 2018/0925.02 - Adopt Resolution No. PC 133-2018 Approving a Conditional Use Permit (CUP) for Chris Dazzi Subject to Conditions of Approval – File No. 052-021-008 – Case No. CUP 18-02 **(ACTION)** 6

- 2) 2018/0925.03 - Adopt Resolution No. PC 132-2018 Recommending the City Council establish Vacation Dwelling Unit Regulations, Section 17.30.335 of the Rio Dell Municipal Code (RDMC) **(ACTION)** 19

H. STAFF COMMUNICATIONS

I. ADJOURNMENT



In compliance with the American with Disabilities Act (ADA), if you need special assistance to participate in this meeting, please contact the Office of the City Clerk at (707) 764-3532. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to assure accessibility to the meeting.

***The next Regular Planning Commission meeting is scheduled for
Tuesday, October 23, 2018 at 6:30 p.m.***

**RIO DELL PLANNING COMMISSION
REGULAR MEETING MINUTES
AUGUST 28, 2018**

Commissioner Angeloff called the regular meeting of the Rio Dell Planning Commission to order at 6:30 p.m.

Present were Commissioners Angeloff, Kemp, Marks, Woodall and Planning Commission Alternate Richter. Absent was Commissioner Strahan.

Others present were Community Development Director Caldwell and City Clerk Dunham

CONSENT CALENDAR

Motion was made by Woodall/Richter to approve the consent calendar including the minutes of the July 24, 2018 regular meeting. Motion carried 5-0.

PUBLIC PRESENTATIONS

None

SCHEDULED MATTERS/PUBLIC HEARINGS/STUDY SESSIONS

Resolution No. PC-131-2018 Approving a Conditional Use Permit (CUP) for Peter and Sarah Chapman Subject to Conditions of Approval – File No. 053-023-032 – Case No. CUP-18-01

Community Development Director Caldwell reviewed the staff report recommending approval of an application for a Conditional Use Permit for an exception to the size and height limits for detached accessory buildings on parcels less than 20,000 square feet. He noted that the size limitation for detached accessory buildings on parcels less than 20,000 square feet is 1,000 square feet with a height of no more than 15 feet. The Chapman's are proposing a detached 1,200 square foot building with a height of approximately 19 feet.

He explained that through the CUP process, the Planning Commission can modify the height and floor area requirements upon showing of good cause provided the required findings can be made.

Community Development Director Caldwell continued with review of the required findings and zoning/land use requirements for the Urban Residential zone. He noted that the proposed project complies with the required front, rear, and side

**RIO DELL PLANNING COMMISSION
AUGUST 28, MINUTES
Page 2**

yard setbacks of 20 feet, 10 feet, and 5 feet respectively however, staff is recommending that the project be conditioned to require a 10-foot side yard setback rather than a 5-foot setback so as not to impose on the neighbors. The Chapman's had no objection to the increased setback requirement.

Commissioner Woodall asked if the neighbors received notification about the proposed project.

Community Development Director Caldwell said that all property owners within a 300-foot radius were notified as required by law.

Commissioner Marks asked if the applicant is required to pave from the building to the street.

Community Development Director Caldwell clarified that there is no requirement in the Code for pavement but it does have to be an all-weather surface such as gravel.

Commissioner Marks asked if the existing trees on the freeway side would block the view of the building; the response was that they would.

Commissioner Angeloff called for public comment on the proposed project.

Kathy Parrish, 529 Gunnerson Lane, questioned the distance of the building to her backyard fence.

Staff clarified that the proposed structure would be constructed on the Chapman's existing developed lot across the street from the vacant lot she was referring to.

Motion was made by Kemp/Richter to approve Resolution No. PC 131-2018 approving the Conditional Use Permit (CUP) for Peter and Sarah Chapman, subject to the conditions of approval as submitted. Motion carried 5-0.

STAFF COMMUNICATIONS

Community Development Director Caldwell provided the Commission with an update on the development occurring at the Humboldt Rio Dell Business Park (HRDBP) as requested by Commissioner Woodall. He explained that Building 3 currently under construction for the Glenn White project would house

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AUGUST 28, MINUTES
Page 3**

manufacturing activities, a tissue culture facility, and testing laboratory for DigiPath. He reported that the Mountain Investments project fell through due to a problem with financing but the property is on the market and staff has had some meetings with perspective buyers, which is encouraging. He also reported that there is a rumor that the Rio Dell Holdings project may also fall through due to financial difficulties although they have not formally abandoned the project. He said it is unfortunate because part of the development included cleanup of the Brownfields site. He said he reached out to the State to find out what the City could do to encourage the cleanup but had not received a response from them yet.

On a more positive note, Humboldt Brand is starting to occupy the former Moore Fuel building and will be constructing a small addition to the south side of the building that does not trigger design review, rather than the larger addition to the rear of the building as originally proposed.

He said that he met with Shannon McWhorter's realtor, Matt Allen regarding dividing his 3-acre piece into 1-acre parcels. He noted that one of those parcels is spoken for by Glen Broader and Steve Ambrosini who are focused on medical cannabis activities. He indicated that they would be submitting their tentative map application hopefully within a month or two. He also said that he spoke to the engineer this morning and he expressed some concerns regarding the leach field areas, which will need to be addressed.

He further reported that Randy Whitlow who owns the parcel with the water delivery and soil business is selling a parcel and that staff had met with a couple of perspective buyers on that as well. He said they would be doing a minor lot line adjustment, which should be coming to the Commission next month.

Commissioner Marks said when the Humboldt Brand project came before the Planning Commission for approval they agreed to a list of conditions and asked if they would still be held to those same conditions.

Community Development Director Caldwell indicated that the same conditions of approval would apply and that they would be putting a façade on the existing building and installing the required fencing and landscaping.

Commissioner Kemp questioned whether the new Glen White building was 1 foot above the flood elevation as required. He commented that the Moore Fuel building

**RIO DELL PLANNING COMMISSION
AUGUST 28, MINUTES
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is actually 3 feet lower than the flood plain so technically the foundation of that building should be 4 feet higher than it is.

Community Development Director Caldwell said that the applicant actually provided a copy of the flood elevation certificate from the County and it was actually just slightly under the one foot 100-year flood elevation. He reminded everyone that the 64 flood was not a 100-year flood; it was much closer to a 500-year flood and the regulations only require foundations to be construction one (1) foot above the 100-year flood elevation.

Commissioner Kemp commented that if FEMA were to come in and audit the City's books and found out that there were structures that were signed off with foundations below the flood plain, no one in the City would get any federal disaster money.

Community Development Director Caldwell explained that it is exactly why the city relies on the engineers and surveyors and requires them to sign off on the flood elevation certificates, which the City then turns into FEMA. He noted that they actually put monuments in the ground to identify the elevations. He said in 1968, the Army Corp of Engineers did a study and between the 100-year and 500-year flood plain there is a difference of 8 feet in the elevations in some places, noting that the elevation was higher in 1964. He also explained that the 64 flood created many check dams and approximately 55 log decks were swept away causing the logs to back up against bridges which raised the flood level higher than it should have been.

Commissioner Angeloff mentioned the 1861-62 flood, which was much worse than the 1955 or 1964 floods and wiped out most of the Indian villages in this area.

Community Development Director Caldwell said in response to the recent inquiry regarding Air B&B's in the City, staff has decided to schedule a joint study session with the Planning Commission and City Council possibly during the September 18, 2018 regular City Council meeting to discuss any concerns. He said with concurrence of the City Council, staff would draft regulations and bring it back to the Commission at the next meeting scheduled for September 25, 2018 along with the lot line adjustment for Randy Whitlow and possibly the minor subdivision application for Shannon McWhorter.

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Commissioner Angeloff questioned the status of the Brian and Stormi Davis project on Pine St. and said the Commission approved the project 2 years ago and to date none of the conditions of approval have been done, including construction of the fence and landscaping.

Commissioner Richter indicated that Brian Davis has been away on fires for the past two years but his intentions are good.

Community Development Director Caldwell trusted that the improvements would be completed once fire season is over.

ADJOURNMENT

The meeting adjourned at 7:05 p.m. to the September 25, 2018 regular meeting.

Nick Angeloff, Chair

Attest:

Karen Dunham, City Clerk

675 Wildwood Avenue
Rio Dell, CA 95562
(707) 764-3532



For Meeting of: September 25, 2018

To: Planning Commission

From: Kevin Caldwell, Community Development Director 

Through: Kyle Knopp, City Manager

Date: September 20, 2018

Subject: Dazzi Conditional Use Permit
File No. 0052-021-008; Case No. CUP 18-02

Recommendation:

That the Planning Commission:

1. Receive staff's report regarding the proposed Conditional Use Permit;
2. Open the public hearing, receive public input, close the public hearing and deliberate;
3. Assuming that public testimony is substantially in support of the proposal, find that:
 - (a) The proposed use is allowed within the applicable zoning district and complies with all other applicable provisions of this title and all other City ordinances;
 - (b) The proposed use is consistent with the general plan and any applicable specific plan;
 - (c) The design, location, size, and operating characteristics of the proposed activity are compatible with the existing and future land uses in the vicinity;
 - (d) The site is physically suitable for the type, density and intensity of use being proposed, including access, utilities, and the absence of physical constraints;
 - (e) Granting the permit would not be detrimental to the public interest, health, safety, convenience, or welfare, or materially injurious to persons, property, or improvements in the vicinity and zoning district in which the property is located; and

(f)The Conditional Use Permit has been processed in accordance with the applicable provisions of the California Government Code and the California Environmental Quality Act (CEQA);

4. Supplemental findings

- The proposed modification will not adversely affect the health, peace, comfort, or welfare of persons residing or working in the surrounding area;
- The proposed modification will not be materially detrimental to the use, enjoyment, or valuation of property of other persons located in the vicinity of the site; and
- The proposed modification will not jeopardize, endanger, or otherwise constitute a menace to the public health, safety, or general welfare.

5. Adopt Resolution No. PC 133-2018 approving the Conditional Use Permit, subject to the Conditions of Approval, Exhibit A.

Summary

Chris Dazzi has made application for a Conditional Use Permit (CUP) for an exception to the size and height limits for detached accessory buildings. On parcels larger than 20,000 square feet detached accessory buildings are limited in size to 1,500 square feet and in height to 20 feet. Please see Attachment 1, our handout for detached accessory buildings. Mr. Dazzi is proposing a detached 1,680 square foot metal building that will be approximately 28 feet in height.

17.30.020 Accessory Uses and Buildings

(3) Exceptions. The Planning Commission may modify by use permit, the height and floor area requirements of this part, upon a showing of good cause. For any such modification, the Planning Commission shall be required to make the following findings:

- (a) The proposed modification will not adversely affect the health, peace, comfort, or welfare of persons residing or working in the surrounding area;
- (b) The proposed modification will not be materially detrimental to the use, enjoyment, or valuation of property of other persons located in the vicinity of the site; and
- (c) The proposed modification will not jeopardize, endanger, or otherwise constitute a menace to the public health, safety, or general welfare.
- (d) In issuing a use permit, the Planning Commission may require such changes or alterations to the building as it may deem necessary to satisfy the findings specified in this part. Such changes or alterations may include, but shall not be limited to the following:

- Building height
- Building area
- Setback from property line
- Screening or landscaping

Required Findings/Staff Analysis

Section 17.35.030 Rio Dell Municipal Code (RDMC) Conditional Use Permits.

1. Zoning Consistency

(a) The proposed use is allowed within the applicable zoning district and complies with all other applicable provisions of this title and all other City ordinances;

Land Use: The property is zoned Suburban Low (S). A copy of the Suburban Development Standards is included as Attachment 2. The purpose of the Urban Residential zone is to provide neighborhood residential areas with varying densities for single-family dwellings. Residential uses including residential accessory uses are allowed in the zone. As indicated above, a Conditional Use Permit is required because the accessory building exceeds the allowable size and height for parcels more than 20,000 square feet.

Accessory buildings in the City's residential zones are required to be subordinate to the residential use of the property. The parcel is developed with a 1,582 square foot residence and an detached 660 square foot garage. The applicant is proposing to locate the building near the rear property line. Based on the proposed location on the parcel, staff believes the proposed building can be found to be subordinate to the residential use of the property.

Building Size and Height: Again, Mr. Dazzi proposing a detached 1,680 square foot metal building that will be approximately 28 feet in height. Detached accessory buildings on parcels larger than 20,000 square feet are limited in size to 1,500 square feet and in height to 20 feet. The applicant is requesting an exception to the allowed size and building height.

Setbacks: The Suburban zone requires a twenty (20) foot front yard setback, a twenty (20) foot rear yard setback and twenty (20) foot setbacks along the sides of the parcel. The proposed project will be located about 220 feet from the front property line, 150 feet from the closest side property line and about 108 feet from the rear property line.

Lot Coverage: The Suburban zone allows up to 25% lot coverage. The lot is approximately 3.7 acres. The allowable lot coverage would be about 40,300 square feet. The project complies with the lot coverage requirements of the zone.

Design Review: Single family residential dwellings and residential accessory buildings are not subject to the City's Design Review Regulations pursuant to Section 17.25.050(2) of the RDMC.

Based on the information submitted, staff believes the proposed 1,680 square foot accessory building will be compatible with the character of the surrounding neighborhood and consistent with the Suburban designation and all other applicable provisions of Zoning Regulations.

2. General Plan Consistency

(b) The proposed use is consistent with the general plan and any applicable specific plan;

The General Plan designation is also Suburban. The proposed residential accessory use is considered a primary use in the Suburban designation. There are no other policies in the General Plan that apply to the proposed project

3. Land Use Compatibility

(c) The design, location, size, and operating characteristics of the proposed activity are compatible with the existing and future land uses in the vicinity;

The proposed design is residential in character and appears compatible with the surrounding residences in the neighborhood. Staff noticed approximately 15 parcels surrounding the project site and has not received any inquiries regarding the proposed accessory building. Based on the information submitted, the apparent lack of concern from neighboring properties, comments received from referral agencies, staff believes the proposed accessory building will be compatible with the character of the surrounding neighborhood

4. Site Suitability

(d) The site is physically suitable for the type, density and intensity of use being proposed, including access, utilities, and the absence of physical constraints;

The site is physically suitable for the proposed accessory building. The parcel is not subject to flooding, landslides or earthquake faults

5. Public Interest, Health, Safety and Welfare

(e) Granting the permit would not be detrimental to the public interest, health, safety, convenience, or welfare, or materially injurious to persons, property, or improvements in the vicinity and zoning district in which the property is located;

The new construction is subject to the California Building Code (CBC), which includes standards to ensure that the dwelling is constructed to minimum safety standards. There is no evidence to suggest that the construction will be detrimental to the public interest, health, safety, convenience, or welfare, or materially injurious to persons, property, or improvements in the vicinity and zoning district in which the property is located.

6. California Environmental Quality Act

The primary purpose of the California Environmental Quality Act (CEQA) is to inform the decision makers and the public of potential environmental effects of a proposed project. Based on the proposed project, staff has determined that the project is Categorically Exempt pursuant Class 3, Section 15303 of the CEQA Guidelines, Title 14, Chapter 3 of the California Code of Regulations. Section 15303 applies to the construction or conversion of small structures.

7. Supplemental findings

- The proposed modification will not adversely affect the health, peace, comfort, or welfare of persons residing or working in the surrounding area;
- The proposed modification will not be materially detrimental to the use, enjoyment, or valuation of property of other persons located in the vicinity of the site; and
- The proposed modification will not jeopardize, endanger, or otherwise constitute a menace to the public health, safety, or general welfare.

There is no evidence to suggest that the proposed 1,680 square foot accessory building will adversely affect the health, peace, comfort, or welfare of persons residing or working in the surrounding area.

There is no evidence to suggest that the proposed 1,680 square foot accessory building will be materially detrimental to the use, enjoyment, or valuation of property of other persons located in the vicinity of the site.

There is no evidence to suggest that the proposed 1,680 square foot accessory building will jeopardize, endanger, or otherwise constitute a menace to the public health, safety, or general welfare

Attachments:

Attachment 1: Accessory Buildings Handout

Attachment 2: Suburban Development Standards.

Attachment 3: Site Plan and Building Elevations.

Attachment 4: Exhibit A, Conditions of Approval.

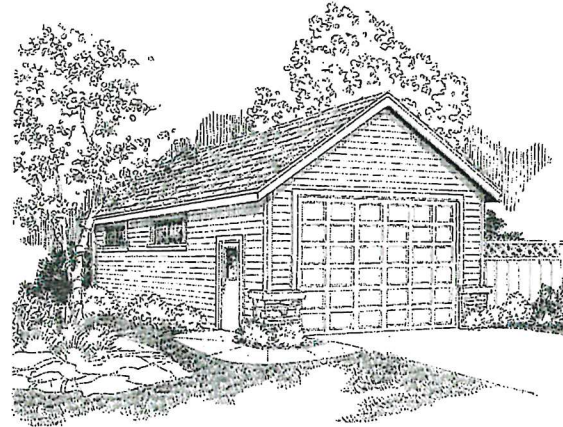
Attachment 5: Resolution No. PC 133-2018.

17.30.020 Accessory Uses and Buildings

(1) A use legally permitted in the zone that is accessory to and subordinate to the principal use of the site and serves a purpose which does not change the character of the principal use.

Accessory uses, as defined herein, shall be permitted as appurtenant to any permitted use, without the necessity of securing a use permit, unless particularly provided in this chapter; provided, that no accessory use shall be conducted on any property in any urban

residential, suburban residential or suburban zone unless and until the main building is erected and occupied, or until a use permit is secured. [Ord. 252 § 6.02, 2004.]



(2) Detached accessory buildings in suburban residential, urban residential, residential multifamily and suburban zones shall conform to the following development standards. See "Building Height" definition, Section 17.10.010.

(a) Maximum Building Height

(i) Fifteen feet (15') on lots 20,000 square feet or less.

(ii) Twenty feet (20') on lots larger than 20,000 square feet.

(b) Maximum Gross Floor Area

(i) 1,000 square feet on lots 20,000 square feet or less.

(ii) 1,500 square feet on lots larger than 20,000 square feet.

(3) Exceptions. The Planning Commission may modify by use permit, the height and floor area requirements of this part, upon a showing of good cause. For any such modification, the Planning Commission shall be required to make the following findings:

(a) The proposed modification will not adversely affect the health, peace, comfort, or welfare of persons residing or working in the surrounding area;

(b) The proposed modification will not be materially detrimental to the use, enjoyment, or valuation of property of other persons located in the vicinity of the site; and

(c) The proposed modification will not jeopardize, endanger, or otherwise constitute a menace to the public health, safety, or general welfare.

(d) In issuing a use permit, the Planning Commission may require such changes or alterations to the building as it may deem necessary to satisfy the findings specified in this part. Such changes or alterations may include, but shall not be limited to the following:

- Building height
- Building area
- Setback from property line
- Screening or landscaping

(3) Detached accessory buildings may not be located within five feet of any main building, nor within five feet of a side line, nor as to encroach on any easement. Minimum yards: side, five feet, shall have the street side yard of 20 feet; rear, 10 feet.

(4) Detached accessory buildings used as second dwelling units shall not be located within 10 feet of lot lines or within five feet of an alley. The second dwelling unit shall be subject to the minimum yard requirements of the zoning district in which it is located.

(5) Accessory buildings attached to main buildings shall be structurally a part thereof and shall comply with main building yard requirements except as follows:

(a) A passive solar addition to a main building, as defined herein, may be permitted in the required front, rear, or side yard, except street side yard; provided, that no such addition shall reduce the distance between the main building and the front or rear property line to less than 15 feet, nor less than five feet from a side property line, and that no such addition shall occupy more than five percent of the area of the front or rear yard, nor more than 10 percent of the side yard area. [Amended during 2010 codification; Ord. 252 § 6.21.5, 2004. Amended Ord. 347-2016]



Suburban Zone Development Standards
Section 17.20.090 Rio Dell Municipal Code

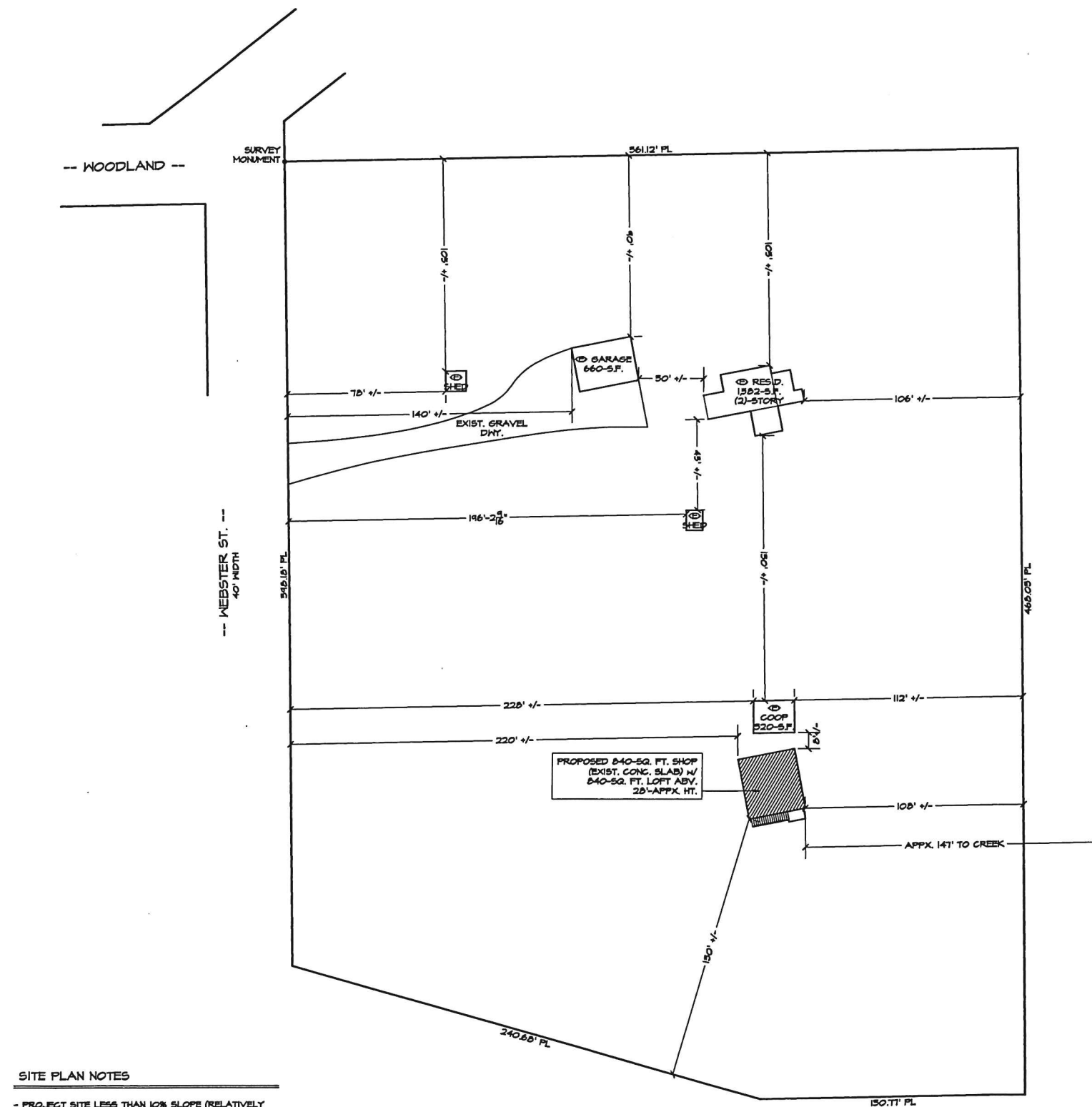
17.20.090 Suburban or S zone.

The suburban or S zone provides for a mix of small-scale agriculture and low density residential areas. The following regulations shall apply in all suburban or S zones:

- (1) Principal Permitted Uses.
 - (a) General agricultural uses, including crop production and animal grazing;
 - (b) Residential uses, including detached residential units.
- (2) Uses Permitted with a Conditional Use Permit.
 - (a) Commercial uses, including retail sales of items produced on the property, nurseries and greenhouses;
 - (b) Lodging uses, including bed and breakfast inns and rooming and boarding houses in a residential unit or in an accessory building;
 - (c) Civic and cultural uses, including parks;
 - (d) Any use not specifically enumerated if it is similar to and compatible with the uses permitted in the zone.
- (3) Other Regulations. See Table 17.20.090 for development standards in the suburban (S) zone.

Table 17.20.090
Development Standards in the Suburban or S
Zone

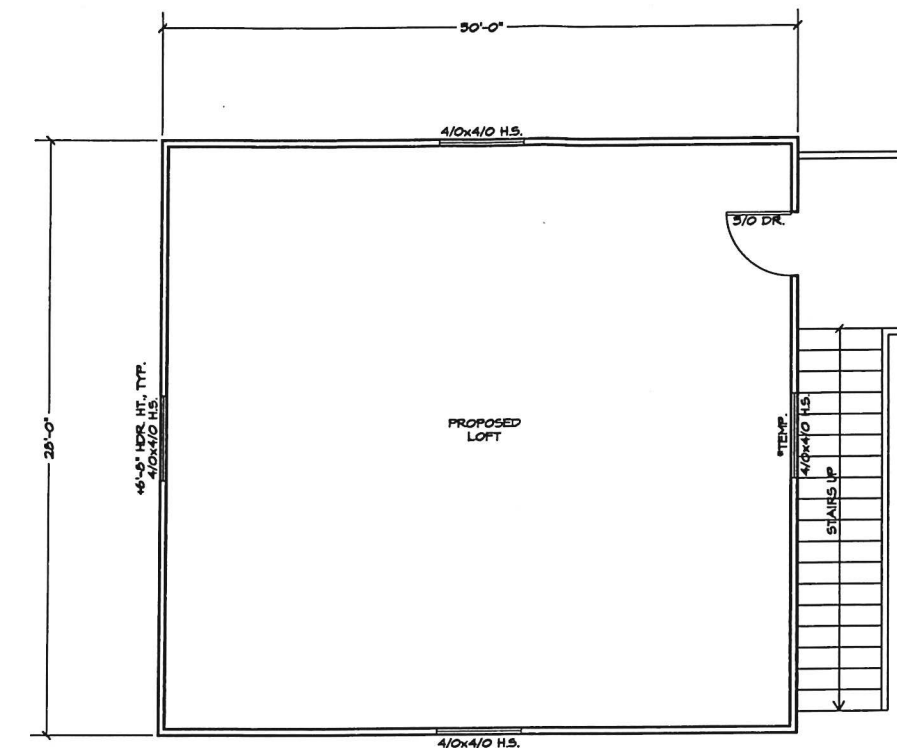
Site Development Standard	Zone Requirement
Minimum Lot Area:	1 acre
Maximum Ground Coverage:	25%
Minimum Lot Width:	100 ft.
Minimum Yards	
Front:	20 ft.
Rear:	20 ft.
Side:	20 ft.
Maximum Building Height:	2 stories or 35 feet



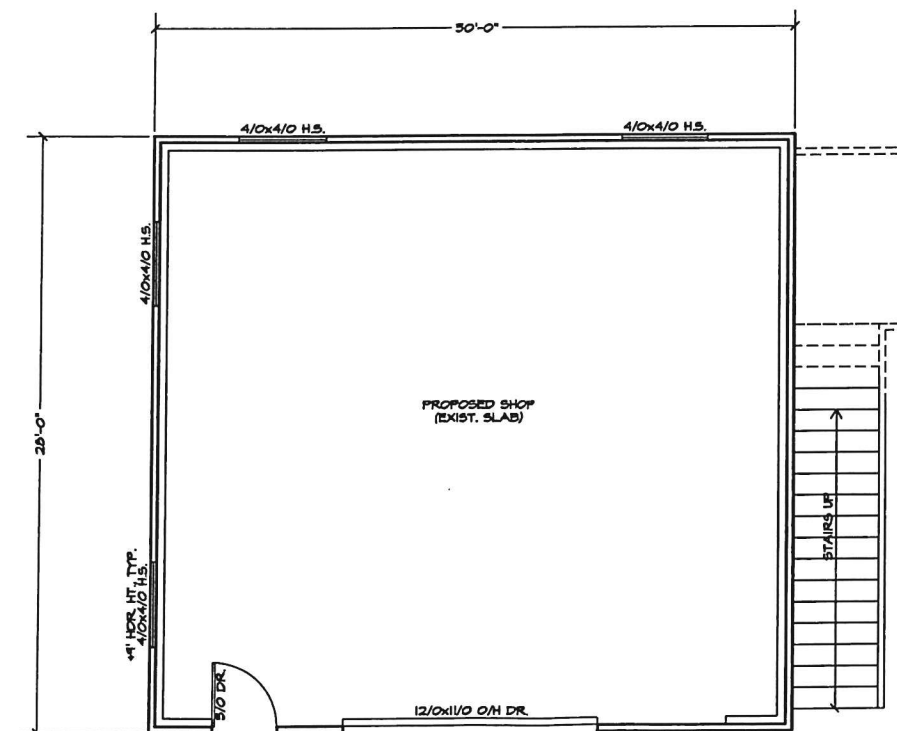
SITE PLAN NOTES

- PROJECT SITE LESS THAN 10% SLOPE (RELATIVELY FLAT; FOUNDATION EXISTING).
- NO TREES TO BE REMOVED.
- NO PROPOSED GRADING OR FILL.

SITE PLAN
1"=30'-0"



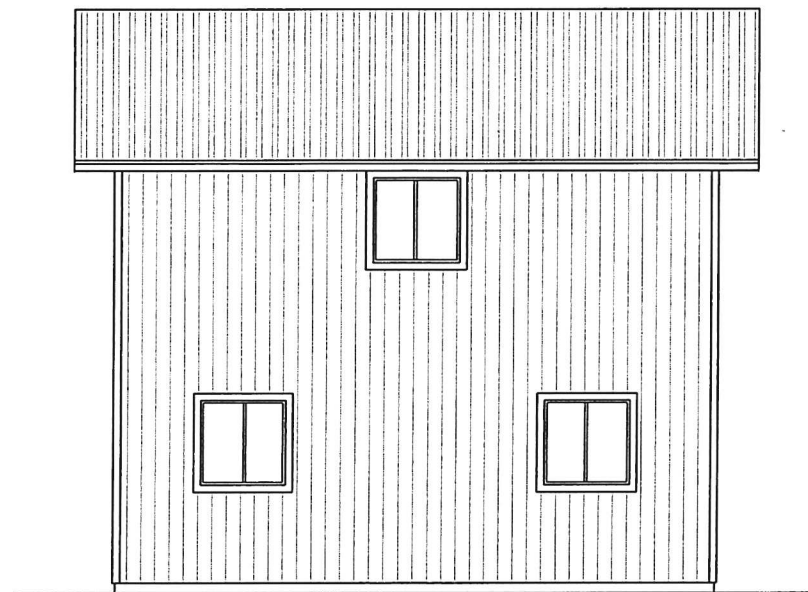
LOFT PLAN
1/4"=1'-0"



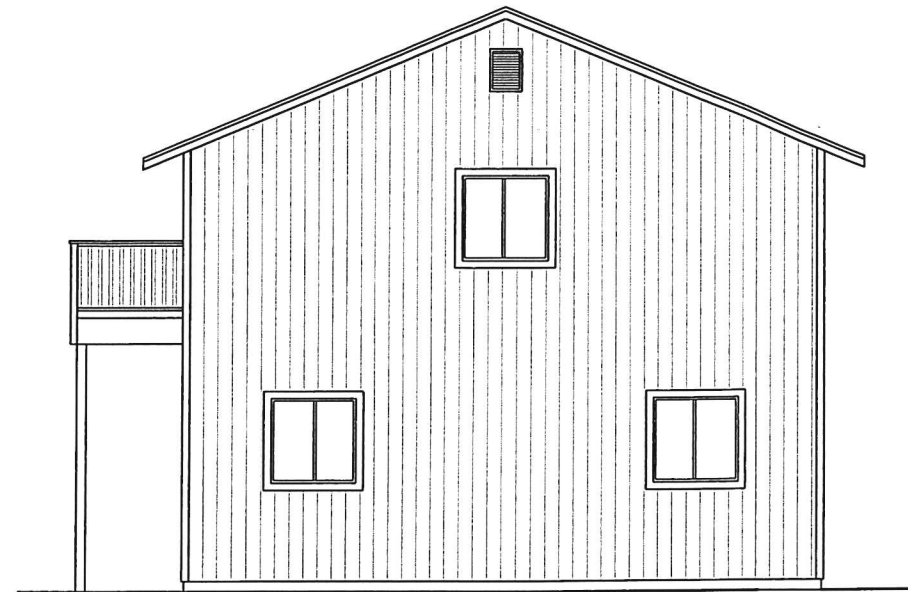
FLOOR PLAN
1/4"=1'-0"



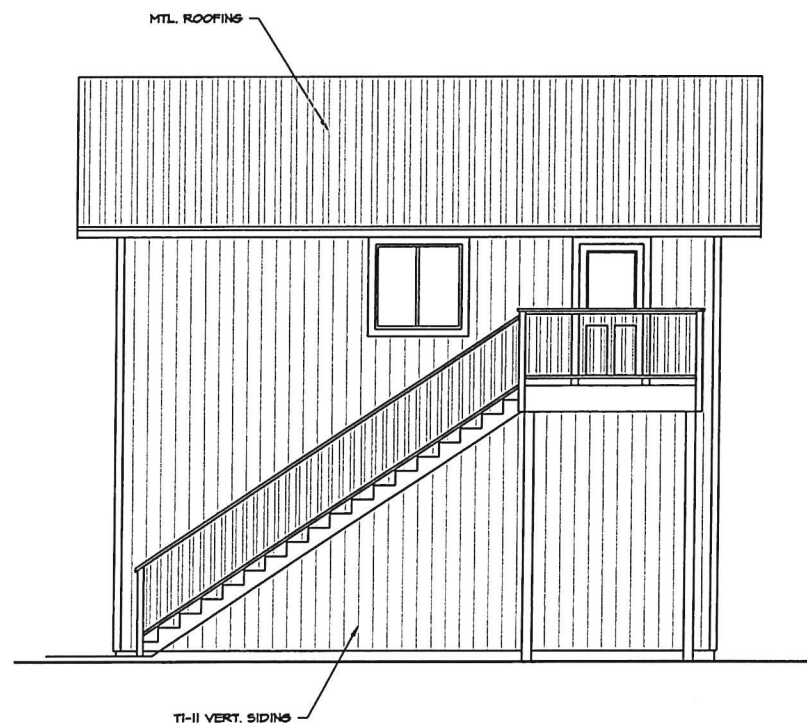
PROPOSED DETACHED SHOP 130 WEBSTER RD. RD. DEL. CA 95502 APN 052-021-008		SA Atkins Drafting ~ Sarah J. Atkins 2014 G STREET EUREKA CA 95501 PH. (707) 443-3492 RSJ5mthm@stclocal.net		REVISIONS	BY
SITE & FLOOR PLAN FOR: CHRISTOPHER N. DAZZI PH. (707) 498-0284					
Date	AUG. 31, '18				
Scale	AS NOTED				
Design	SJA				
Drawn	SJA				
Job					
Sheet					
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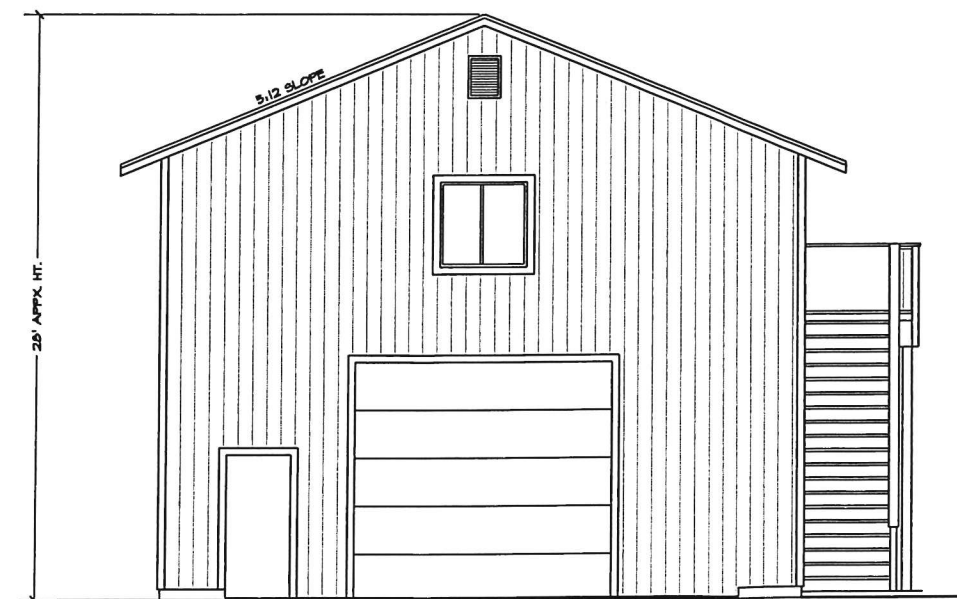
NORTH ELEVATION
1/4"=1'-0"



EAST ELEVATION
1/4"=1'-0"



SOUTH ELEVATION
1/4"=1'-0"



WEST ELEVATION
1/4"=1'-0"

REVISIONS	BY

Atkins Drafting ~ Sarah J. Atkins
2814 G STREET EUREKA, CA 95501
PH: (707) 443-3492
sj@atkinsdrafting.com

PROPOSED DETACHED SHOP
ELEVATIONS
130 WEBSTER RD. RIO DELL, CA 95562
APN 052-021-008
FOR: CHRISTOPHER N. DAZZ
PH: (707) 489-0284

Date AUG. 31, '18
Scale AS NOTED
Design SJA
Drawn SJA
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EXHIBIT A

Conditions of Approval
Dazzi Conditional Use Permit
File No. 052-021-008; Case No's. CUP 18-02

Conditions of Approval

1. The applicant shall pay the application processing fees within 30 days of billing.

RESOLUTION NO. PC 133-2018



**RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF RIO DELL
APPROVING DAZZI CONDITIONAL USE PERMIT:**

WHEREAS Chris Dazzi has made application for a Conditional Use Permit (CUP) for an exception to the size and height limits for detached accessory buildings on parcels larger than 20,000 square feet; and

WHEREAS detached accessory buildings on parcels larger than 20,000 square feet are limited in size to 1,500 square feet and in height to 20 feet

WHEREAS Mr. Dazzi is proposing a detached 1,680 square foot two story accessory building that will be approximately 28 feet in height

WHEREAS the City processed the application pursuant to Section 17.35.030 of the Rio Dell Municipal Code; and

WHEREAS the proposed project have been processed in accordance with the applicable provisions of the California Government Code and the California Environmental Quality Act (CEQA); and

NOW, THEREFORE, BE IT RESOLVED that based on information provided by the applicant, staff's analysis and public testimony the Planning Commission of the City of Rio Dell finds that:

- The proposed use is allowed within the Urban Residential zone and complies with all other applicable provisions of Rio Dell Municipal Code; and
- The proposed use is consistent with the General Plan and any applicable specific plan; and
- The design, location, size, and operating characteristics of the proposed activity are compatible with the existing and future land uses in the vicinity; and
- The site is physically suitable for the type, density and intensity of use being proposed, including access, utilities, and the absence of physical constraints; and
- Granting the permit would not be detrimental to the public interest, health, safety, convenience, or welfare, or materially injurious to persons, property, or improvements in the vicinity and zoning district in which the property is located; and

● Based on the proposed project, the project is Categorically Exempt pursuant Class 3, Section 15303 of the CEQA Guidelines, Title 14, Chapter 3 of the California Code of Regulations. Section 15303 applies to the construction or conversion of small structures.

I HEREBY CERTIFY that the forgoing Resolution was PASSED and ADOPTED at a regular meeting of the Planning Commission of the City of Rio Dell on September 25, 2018 by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Nick Angeloff, Chairperson

ATTEST:

I, Karen Dunham, City Clerk for the City of Rio Dell, State of California, hereby certify the above and foregoing to be a full, true and correct copy of Resolution No. PC 133-2018 adopted by the Planning Commission of the City of Rio Dell on September 25, 2018.


Karen Dunham, City Clerk, City of Rio Dell

675 Wildwood Avenue
Rio Dell, CA 95562
(707) 764-3532



For Meeting of: September 25, 2018

To: Planning Commission

From: Kevin Caldwell, Community Development Director 

Through: Kyle Knopp, City Manager 

Date: September 18, 2018

Subject: Text Amendment to Establish Vacation Dwelling Unit Regulations, Section 17.30.335 of the Rio Dell Municipal Code (RDMC)

Recommendation:

That the Planning Commission:

1. Receive staff's report regarding establishing Vacation Dwelling Unit Regulations, Section 17.30.335 of the Rio Dell Municipal Code (RDMC);
2. Open the public hearing, receive public input and deliberate;
3. Find that:
 - (a) The proposed text amendment is consistent with the General Plan; and
 - (b) The proposed text amendment has been processed in accordance with the applicable provisions of the California Government Code and the California Environmental Quality Act (CEQA);
4. Adopt Resolution No. PC 132-2018 recommending that the City Council establish Vacation Dwelling Unit Regulations, Section 17.30.335 of the Rio Dell Municipal Code (RDMC).

Background

Staff was recently contacted by a local resident who was interested in renting out their second unit as a vacation dwelling unit. These types of units are known as Air B&B's. Vacation dwelling units are different than Bed and Breakfasts because the owner/operator does not have to reside in the residence. Below is the current City definition for Bed and Breakfast Inns:

"Bed and Breakfast Inns" means residential structures with one family in permanent single-family residence with not more than four (4) bedrooms rented for overnight lodging, and may only serve food to its registered guests. The food service is restricted to breakfast or a similar early morning meal, and light foods or snacks. The price of the food must be included in the price of the overnight accommodation.

It should be noted that Bed and Breakfasts establishments are allowed in the Town Center (TC), Neighborhood Center (NC), Suburban Residential (SR), Rural (R), Suburban (S) and Suburban Medium zones.

Staff has worked with the Fire Protection District in preparing the draft regulations and has incorporated suggestions by the District.

Potential Talking Points

Emergency Contact – The Draft Regulations require the applicant to designate an emergency contact that lives within 30 miles of the unit.

Emergency Contact – The Draft Regulations require that the emergency contact information be provided to property owners within 300 feet of the property.

Notice – The Draft Regulations require that owners within 300 feet be notified of the approval of the Vacation Dwelling Unit.

Appeals – Neighbors can appeal the approval of the permit within 30 days of the date of approval.

Appeals – The applicant can appeal the denial of the permit within 10 days of the date of approval.

Occupant Limits – The Draft Regulations limit the number of occupants to 2 persons per bedroom, plus an additional 2 persons. Children aged 8 and under are not counted toward the occupancy total.

Visitors – The Draft Regulations limits the number of visitors to twice the amount of the allowed occupants (e.g. a 2-bedroom unit with a 6 occupant limit, may have a total of 12

people at one time). Visitors are not allowed on the premises between 10:00 p.m. and 7:00 a.m.

Zone Reclassification Required Findings:

1. The proposed amendment is consistent and compatible with the General Plan and any implementation programs that may be affected.

General Plan Policy LU-17 calls for the City to “Strengthen and diversify the local economy and maintain and improve property values”. The proposed amendment can help the local economy by providing visitor serving accommodations which will hopefully stimulate other local businesses. In addition, the proposed amendments will generate some Transient Occupancy Taxes. There are no General Plan policies that would discourage or prohibit the proposed amendments. The proposed amendments are consistent and compatible with the General Plan.

2. The proposed amendments have been processed in accordance with the California Environmental Quality Act (CEQA).

The primary purpose of the California Environmental Quality Act (CEQA) is to inform the decision makers and the public of potential environmental effects of a proposed project.

Based on the nature of the project, staff has determined that the project is Statutorily Exempt pursuant to Section 15061(b) (3) of the CEQA Guidelines, Title 14, Chapter 3 of the California Code of Regulations. Pursuant to Section 15061(b) (3) of the CEQA Guidelines this exemption is covered by the general rule that CEQA applies only to projects which have the potential for causing a *significant* effect on the environment. Where it can be seen with certainty that there is no possibility that the project in question may have a significant effect on the environment, the project is not subject to CEQA. Based on the nature of the proposed amendments, staff believes there is no evidence to suggest that the amendments will have a significant effect on the environment.

Attachments:

Attachment 1: Vacation Dwelling Unit Application

Attachment 2: Draft Vacation Dwelling Unit Ordinance.

Attachment 3: Resolution No. PC 132-2018 recommending approval of the text amendment to the Rio Dell City Council.

675 Wildwood Avenue
Rio Dell, CA 95562
(707) 764-3532



VACATION DWELLING UNIT APPLICATION

Please complete the information below and return the application with the required fees. If you have any questions, please do not hesitate to contact the City.

Property Owner	Applicant
Name: _____	Name: _____
Mailing Address: _____	Mailing Address: _____
City: _____ St: ____ Zip: _____	City: _____ St: ____ Zip: _____
Phone: _____	Phone: _____
Email: _____	Email: _____

Vacation Dwelling Unit Location

Address: _____	Assessor Parcel No. _____
----------------	---------------------------

Emergency 24 Hour Contact	Vacation Dwelling Unit Information
Name: _____	Number of On-Site Parking Spaces: _____
Mailing Address: _____	Number of Bedrooms: _____
City: _____ St: ____ Zip: _____	Smoke Alarms: <input type="checkbox"/> Yes <input type="checkbox"/> No
Home Phone: _____	Carbon Monoxide Alarms: <input type="checkbox"/> Yes <input type="checkbox"/> No
Cell Phone: _____	Fire Extinguisher: <input type="checkbox"/> Yes <input type="checkbox"/> No
Email: _____	Type of Fire Extinguisher ¹ : _____

Bedrooms	Max Occupants	Max Occupants & Visitors
1	4	8
2	6	12
3	8	16
4	10	20
5	12	24
Visitor Hours: 7:00 am to 10:00 pm		

Fees
Inspection & Notice Fee: \$75.00
Business License: <input type="checkbox"/> \$34.00 – A <input type="checkbox"/> \$64.00 - B
<i>Business License fee are based on anticipated income of business. Class A Business Licenses have yearly gross receipts between \$500 and \$30,000. Class B Business Licenses have yearly gross receipts over \$30,000.</i>

¹ A Type 2A10BC every 75 feet of travel distance, mounted in a conspicuous location, along the path of egress from the highest hazard area (i.e. kitchen or laundry rooms).

Applicable Taxes.

The rental or other contractual use of a vacation dwelling unit shall be subject to a Transient Occupancy Tax ("TOT") and any other mandated taxes. Each vacation dwelling unit owner and/or manager shall comply with § 3.15 of the Rio Dell Municipal Code, which addresses the collection, record keeping, reporting and remittances of applicable TOT.

Owner's Authorization

I hereby authorize the City of Rio Dell to process this application. I have completed or reviewed this application and the Vacation Dwelling Unit Regulations, Section 17.30.335 of the Rio Dell Municipal Code. I declare under penalty of perjury, that the information contained herein is true and correct. I agree to hold harmless, indemnify and defend the City, its officers, officials, employees, and volunteers from and against all claims, damages, losses and expenses, including attorney fees, arising out of or in connection with this application.

Property Owner's Signature: _____ Date: _____

Staff Use

Receipt No: _____ Received By: _____ Date: _____

NOTES: _____

§ 17.30.335 VACATION DWELLING UNITS

(1) Purpose and Intent.

The purpose and intent of the vacation dwelling unit regulations are:

- (a) To provide the opportunity for vacation rentals for transient use within Urban Residential (UR), Suburban Residential (SR), Suburban (S) and Rural (R) zones.
- (b) To regulate the location and number of vacation dwelling units within Rio Dell.
- (c) To mitigate impacts on parking by requiring the use of existing off-street parking facilities.
- (d) To protect the visual appearance and character of residential zones.
- (e) To minimize disruptions to surrounding neighborhoods.
- (f) To ensure that all vacation dwelling units are operating with valid business licenses and paying all applicable taxes and fees.

(2) Definitions.

For the purposes of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

- (a) "Good Guest Guide" means a document provided to occupants by the property owner that summarizes general rules of conduct, consideration, respect, and potential remedial actions. In particular provisions, for parking, occupancy limits, emergency response, and minimizing noise and quiet hours shall be included.
- (b) "Occupant" means a person in possession of, or with the right to use, any public or private dwelling or lodging for sleeping purposes. As used in this chapter, an occupant is a person sleeping overnight at a vacation rental unit.
- (c) "Property" means a parcel of land in its entirety, including all structures within the parcel boundaries.
- (d) "Transient Use" means any contractual use of a dwelling or portion thereof for residential or sleeping purposes by an occupant, for any period of time which is less than 30 consecutive days.
- (e) "Vacation Dwelling Unit" means an entire dwelling which is contracted for transient use. The dwelling shall provide complete independent living facilities for 1 or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation. A vacation

dwelling unit is differentiated from a lodging house or Bed and Breakfast Inn in that a vacation dwelling unit is rented in its entirety, whereas lodging houses and Bed and Breakfast Inns rent individual rooms. Bed and Breakfast Inns go further by having a full time resident inhabiting the dwelling unit, and may provide 1 or more meals to occupants.

(f) "Visitor" means a guest of an occupant visiting temporarily at a vacation dwelling unit, but not an overnight "occupant."

(3) Permits, Application Requirements, Fees, Inspection and Notice Requirements.

(a) Permits.

(i) An approved vacation dwelling unit permit shall be obtained prior to operation. Vacation dwelling unit permits shall be ministerial, without discretionary review or a hearing.

(ii) Individual properties with multiple vacation dwelling units need only acquire a single vacation dwelling unit permit; however, property owners adding a new vacation dwelling unit to an existing permit shall be required to reapply for a vacation dwelling unit permit.

(iii) Vacation dwelling unit permits shall be subject to annual review and no-fee renewal by the Department of Community Development.

(iv) A vacation dwelling unit permit shall lapse and become void by July 31st of each year unless the business license for the vacation dwelling unit is renewed and in good standing, all applicable taxes and fees are paid, and there are no outstanding Police, Fire, or Building Department violations.

(v) If a vacation dwelling unit permit lapses, a new vacation dwelling unit permit shall be required.

(vi) Unless a lapse occurs pursuant to division (a)(iii) above, approval of a vacation dwelling unit permit shall run with the land and shall be fully transferable to a new property owner provided the new property owner obtains a business license within 2 months of the purchase of the property.

(b) Application Requirements.

(i) Applications for vacation dwelling unit permits shall be filed with the Community Development Director on forms provided by the Department.

(ii) Each vacation dwelling unit applicant shall designate a local emergency contact person on the application form, including a 24-hour-emergency contact phone number. That person may be the property owner, property manager, or designee, and that person shall

live within 30 miles of the city limits so that he or she can respond personally to an emergency. The Development Services Department shall forward the emergency contact phone number to the Police Department and Rio Dell Fire Protection District, and shall notify the property owners within 300 feet of the property. The property owner shall immediately notify the Community Development Department in writing of any changes to the designated emergency contact person or number.

(c) Fees.

(i) Vacation dwelling unit permit applications shall be accompanied by fees established by resolution of the City Council to cover the cost of processing the application, noticing, and inspections as prescribed in this subchapter. Existing vacation dwelling units in operation prior to the effective date of this subchapter shall not be subject to the vacation dwelling unit permit fee, provided the unit has a history of operating with a valid business license and has paid all applicable taxes.

(d) Inspections.

(i) All vacation dwelling units shall be inspected by the Building Department and the Rio Dell Fire Protection District for the required smoke alarms, carbon monoxide alarms, fire extinguishers (Type 2A10BC every 75 feet of travel distance, mounted in a conspicuous location, along the path of egress from the highest hazard area (i.e kitchen or laundry rooms)) and emergency egress prior to the approval of the required Business License.

(ii) Additional inspections may be required at the discretion of the Chief Building Official. The cost of any required inspection shall be borne by the vacation dwelling unit owner.

(f) Notice.

(i) Within 5 days of the approval or conditional approval of a vacation dwelling unit permit by the Director, written notice shall be mailed to the applicant and to all property owners within 300 feet of the vacation dwelling unit property.

(ii) The notice shall include the 24-hour emergency contact number for the vacation dwelling unit, and the procedure to appeal.

(4) Appeals.

(a) Except as provided in division (b) of this section, within 30 days following the decision of the Director on a vacation dwelling unit permit application, the decision may be appealed to the Planning Commission by the applicant or any property owner located within 300 feet of the vacation dwelling unit property. An appeal shall be filed with the City Clerk and state specifically wherein it is claimed there was an error or abuse of discretion by the Director. Notice of the date, time and place of an appeal to the Planning Commission shall be provided to all property

owners located within 300 feet of the vacation dwelling unit property at least 10 days prior to the appeal meeting.

(b) The decision of the Director to deny the annual permit renewal may be appealed to the Planning Commission solely by the applicant. The appeal must be filed within 10 days of the date of denial.

(5) Business License Required.

Following the approval of a vacation dwelling unit permit, the property owner or vacation dwelling unit manager shall obtain a Business License before commencing operations. Property owner or managers with multiple vacation dwelling units or properties need only acquire a single business license.

(6) Existing Vacation Dwelling Units; Permit Required.

Existing vacation dwelling units shall apply for a permit within 6 months of the effective date of this subchapter, and diligently pursue until approved to avoid abatement action.

(7) Development Standards.

All vacation dwelling units shall comply with the following development standards.

(a) Vacation dwelling units are principally permitted in the Urban Residential (UR), Suburban Residential (SR), Suburban (S) and Rural (R) zones.

(b) A vacation dwelling unit may either be a principal dwelling or a legally established secondary dwelling unit.

(c) A newly constructed vacation dwelling unit shall comply with the development standards and building requirements for residential dwellings, and may be operated as a vacation dwelling unit only after the Building Department has issued a certificate of occupancy for the dwelling unit.

(d) All vacation dwelling units shall have smoke alarms, carbon monoxide alarms and a fire extinguisher. Carbon Monoxide alarms are not required in dwellings which do not contain fuel-burning appliances and that do not have an attached garage.

(e) Existing off-street parking spaces shall be reserved for occupants of the vacation dwelling unit. Occupants shall be encouraged to park in existing, legal off-street parking spaces, in order to minimize impacts to on-street parking.

(f) The existence of the vacation dwelling unit shall not be apparent. The vacation dwelling unit shall not change the residential or commercial character of the property or neighborhood by the use of colors, materials, or lighting.

(8) Operation

(a) Vacation dwelling units shall not be permitted for any use other than transient occupancy or residential use.

(c) The maximum number of occupants allowed in a vacation dwelling unit shall not exceed 2 persons per bedroom plus an additional 2 persons (e.g. a 2-bedroom unit may have 6 occupants). Children aged 8 and under are not counted toward the occupancy total.

(c) The total number of visitors and occupants at a vacation dwelling unit shall not exceed a number greater than double the maximum number of occupants (e.g. a 2-bedroom unit with a 6 occupant limit, may have a total of 12 people at one time). Visitors are not allowed on the premises between 10:00 p.m. and 7:00 a.m.

(d) All vacation dwelling units shall be provided weekly garbage collection services. Trash and refuse shall not accumulate or be stored within public view, except in proper containers for the purposes of collection. There shall be no storage of trash and/or debris on the site or within the unit.

(e) Emergency preparedness information regarding local hazards, such as earthquakes and ocean related hazards, in a form approved by the city, shall be posted within the vacation rental in an easily visible location, such as the entry or kitchen area.

(f) The Good Guest Guide (House Rules) and the 24-hour emergency contact phone number shall be prominently placed for the occupants' use inside the vacation dwelling unit.

(g) In the event of an emergency, concerned persons are encouraged to promptly call the emergency contact number, and if appropriate, report the emergency through the 911 emergency calling system or the Police Department. It is unlawful to make a false report or complaint regarding activities associated with a vacation dwelling unit.

(h) The property owner and emergency contact shall act in good faith to resolve complaints regarding the vacation dwelling unit, and engage in dispute resolution with neighbors. The Community Development Department and/or Police Department shall investigate any vacation dwelling unit with recurrent emergency calls or complaints.

(i) If the vacation dwelling unit owner or emergency contact is deemed to be negligent in responding to an emergency situation more than 2 times in a 12-month period, or if more than 2 documented law enforcement violations occur in any 12-month period, the vacation dwelling unit permit may be revoked. The Director of Community Development may also revoke a

permit if the vacation dwelling unit is deemed chronically non-compliant with the provisions of this chapter, or is negligent or remiss in correcting noted Building or Fire Code violations or issues. Documented, significant violations may include copies of citations, written warnings, or other documentation maintained by law enforcement, Fire Department, or Building Department.

(j) Properties with gated entries shall have a Fire Department approved device such as a Knox box with keys for the lock, Knox lock, or Knox key actuated switch on electric gates installed which permits emergency response vehicles and personnel to enter the property.

(k) Each individual holding a valid business license for a vacation dwelling unit existing at the time the vacation dwelling unit ordinance is adopted, shall be subject to the requirements of this subchapter upon its effective date. In order to avoid abatement proceedings, the owner of an existing vacation dwelling unit shall apply for a vacation dwelling unit and permit and City of Rio Dell business license permit within 6 months of the effective date of this chapter, and diligently pursue the application unit approved.

(l) Violations of this chapter are punishable as either infractions or misdemeanors, pursuant to the provisions of Rio Dell Municipal Code. Each separate day in which a violation exists shall be considered a separate violation.

(9) Applicable Taxes.

The rental or other contractual use of a vacation dwelling unit shall be subject to a Transient Occupancy Tax ("TOT") and any other mandated taxes. Each vacation dwelling unit owner and/or manager shall comply with § 3.15 of the Rio Dell Municipal Code, which addresses the collection, record keeping, reporting and remittances of applicable TOT.

RESOLUTION NO. PC 132-2018



**RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF RIO DELL
RECOMMENDING APPROVAL OF
ESTABLISHING VACATION DWELLING UNIT REGULATIONS, SECTION 17.30.335
OF THE RIO DELL MUNICIPAL CODE TO THE CITY COUNCIL.**

WHEREAS staff was recently contacted by a local resident who was interested in renting out their second unit as a vacation dwelling unit; and

WHEREAS these types of units are known as Air B&B's. Vacation dwelling units are different than Bed and Breakfasts because the owner/operator does not have to reside in the residence; and

WHEREAS staff has worked with the Fire Protection District in preparing the draft regulations and has incorporated suggestions by the District; and

WHEREAS the City has reviewed and processed the proposed amendment in conformance with Sections 65350 – 65362 of the California Government Code; and

WHEREAS the City has reviewed and processed the proposed amendment in conformance with Section 17.35.010 of the City of Rio Dell Municipal Code; and

WHEREAS the Planning Commission finds that based on evidence on file and presented in the staff report that the proposed amendment is consistent and compatible with the General Plan and any implementation programs that may be affected; and

WHEREAS the proposed amendment has been processed in accordance with the applicable provisions of the California Government Code and the California Environmental Quality Act (CEQA); and

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Rio Dell finds that:

1. The proposed amendments are consistent with the General Plan and any applicable specific plan; and

2. The proposed amendments are Statutorily Exempt pursuant to Section 15061(b) (3) of the CEQA Guidelines, Title 14, Chapter 3 of the California Code of Regulations.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the Planning Commission of the City of Rio Dell recommends that the City Council approve the proposed amendments to Section 17.30.050 of the Rio Dell Municipal Code.

I HEREBY CERTIFY that the forgoing Resolution was PASSED and ADOPTED at a regular meeting of the Planning Commission of the City of Rio Dell on September 25, 2018 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Nick Angeloff, Chair

ATTEST:

I, Karen Dunham, City Clerk for the City of Rio Dell, State of California, hereby certify the above and foregoing to be a full, true and correct copy of Resolution No. PC 132-2018 adopted by the Planning Commission of the City of Rio Dell on September 25, 2018.

Karen Dunham, City Clerk, City of Rio Dell